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Page 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3
4 In re)
5 CUSTOMS AND TAX ADMINISTRATION) Master Docket
6 OF THE KINGDOM OF DENMARK) 18-MD-2865 (LAK)
7 (SKATTEFORVALTNINGEN) TAX)
8 REFUND SCHEME LITIGATION)
9
10 This document relates to:)
11 All cases)
12
13
14

15 C O N F I D E N T I A L

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17
18 VIDEO EXAMINATION OF
19 ISABELLE SALOMONE
20 Zürich, Switzerland
21 Tuesday, January 17, 2023
22 2:00 p.m. (CEST)
23
24

25 Reported by: CHRISTINE MYERLY

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5 VIDEO EXAMINATION OF
6
7 ISABELLE SALOMONE
8 Zürich, Sqitzerland
9 Tuesday, January 17, 2023
10 2:00 p.m. (CEST)
11
12 Examination of ISABELLE SALOMONE, (via Interpreter)
13 held at:
14 Offices of LALIVE SA
15 Stampfenbachplatz 4
16 Zürich, Switzerland
17
18 And WebEx via New York, NY
19
20 Pursuant to agreement, before Christine Myerly,
21 Court Reporter
22
23
24
25

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1 TRIBUNAL
2 S. BÜLLER, JUDGE(via Interpreter)
3 L. STEWART-SMITH, REGISTRAR
4 A. DÜRMÜLLER, SECRETARY
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21 ERIN PAMUKCU, ESQ.
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24 Zürich, Switzerland 8006
25 BY: SANDRINE GIROUD

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1 A P P E A R A N C E S
2 (CONTINUED)

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4 ANDRÉ SANTEN

5 Attorneys for Acorn Capital

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9 Via VTC

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14 Zürich, Switzerland 8034

15 DIETER HOFMANN(via Interpreter)

16 KERSTIN ARNESSON

17

18 ALSO PRESENT:

19 Jose Rivera, Videographer

20 Clarissa John, Interpreter

21 Richard Markowitz, Defendant

22 Boris Frederiksen, KPS

23 Dr. Anne Kristine K. Egholm, KPS

24 Dr. J.F. Götz Gallenkamp(Inhouse Counsel Société

25 Générale, Paris, Zurich Branch)

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E X H I B I T S

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EXHIBITS

15 5365 - WalderWyss Letter July 4, 2022 20

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1 (On the record at 2:02 p.m.)

2

3 JUDGE BÜLLER: So we are going to

4 translate into English first and then into French.

5 I would like to welcome to this proceeding

6 between SKAT and different Defendants and witnesses.

7 So I would like to present to you the

8 Court. The minute writer is Madame Smith, then

9 auditor is Madame Dürmüller, then the single Judge

10 is Madame Büller. Yes, and I am the interpreter,

11 Clarissa John. I must respect Article 307, 320,

12 keep confidential all the information and translate

13 faithfully.

14 So, we have already a list of all the

15 persons present in this room, and later we will have

16 the names of all the people which are online with us

17 will be given to us.

18 So, next to Mr. Oxford we have

19 Mr. Elmiger, Madame Giroud, Mr. Weinstein, Mr.

20 Santen, Mr. Frederickson, Madame Anne Egholm.

21 MR. ELMIGER: English.

22 THE WITNESS: So, I am working for Bank

23 Société Générale. And since June '22, I am in the

24 Department at Securities Services. And I was born

25 16 of June '73, and my place of origin is Zürich.

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1 MR. ELMIGER: English.

2 INTERPRETER: So, the request was that she
3 sits in the middle of the room for better hearing.
4 Afterwards, she will be asked to sit in the middle.

5 JUDGE BÜLLER: Short introduction
6 regarding the topic of today. So, we are doing this
7 hearing with our testimony on the request within the
8 framework of request for judicial assistance sent by
9 the District Court of New York.

10 And the Plaintiff is asking for this
11 procedure the refund of tax refunds which were
12 requested illicitly.

13 In April 12 of last year, we asked Société
14 Générale to send different files to us, and on the
15 4th of July they responded that they have no files
16 which fall under the legislation which makes
17 mandatory the sending of these files.

18 Although this is the situation, the
19 Claimant, or the Plaintiff, asked to make this
20 hearing with the testimony. And I would like to
21 point out that everything that is going to be said
22 in this room will be recorded from -- from the
23 Court, and also a video will be recorded, and the
24 stenographer is also writing down everything that is
25 going to be said. And the Court is editing the

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1 minutes afterwards on the basis of the tapes
2 recorded, not now.

3 MR. ELMIGER: We only have some
4 organizational remarks regarding this hearing.

5 So, the legal information for our
6 testimony is very important, also the consequences
7 regarding false information are very important. And
8 this should also be recorded. And that it is
9 important that we stick to the wording of the
10 request for judicial assistance sent to the Court in
11 its original version.

12 And it is important that the Court sticks
13 to the facts as written down in the request for
14 legal assistance, and also sticks to the period
15 mentioned in this request for legal assistance.

16 And also when the Parties are asking
17 questions, they should limit themselves to the facts
18 and the period mentioned in the request. And also
19 when a response is given to these questions, those
20 should also stick to the period and the facts
21 mentioned in the request.

22 And is it correct that the Witness has
23 received the relevant questions and information
24 before coming to this hearing?

25 JUDGE BÜLLER: So, I suppose that you

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1 received definitions and the questions before coming
2 here?

3 THE WITNESS: Yes. We read the letter
4 sent to Société Générale, and we are also aware of
5 the definitions.

6 JUDGE BÜLLER: Two preliminary remarks
7 from my side.

8 So, it is important for me to underline
9 that we give this legal assistance for the main
10 proceedings at the Court in New York. Because we
11 evaluated the balance between the bank
12 confidentiality and the information that we
13 received, and we want to point out that these
14 informations cannot be used within criminal
15 procedure or within a procedure of where its tax
16 refunds are the main topic.

17 So, all the information given here is for
18 the civil procedure in New York and not for criminal
19 or tax procedure.

20 So, first we are going to ask the Witness
21 the questions as they are written down in the
22 request for legal assistance. Then the Claimant can
23 ask additional questions, and then the Defendant can
24 ask.

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1 So, Madame Salomone, you are here as a
2 witness today. So, I just want to point out that
3 you must say the truth. And if intentionally you
4 give false informations, in accordance to Article
5 307 of the Criminal Procedure, you can be punished
6 with up to five years of imprisonment or a fine.

7 And I want to point out that as Article
8 160 of the Civil Procedure says, you are -- it is
9 mandatory for you to give information.

10 Then I must point out to you that
11 according to Article 165 and 166 of the Code of
12 Civil Procedure, there is a right to refuse to
13 testify in cases of family relationship,
14 relationship by marriage, spouses, life partners, as
15 well as in the case of official and professional
16 secrecy.

17 And the same is with regard to questions
18 that would represent a disadvantage for yourself or
19 a family member, member of the family of your
20 husband, so same enumeration as before.

21 I also need to point out the right of the
22 Witness not to answer the questions which are in the
23 request for judicial assistance. It is -- under the
24 laws of the United States, a party has privilege to
25 refuse to disclose the contents of the confidential

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1 communications between that party and the attorney
2 that was made for the purpose of obtaining legal
3 advice.

4 Then the second is United States law also
5 recognizes a testimonial privilege for individuals
6 against criminal self-incrimination. This privilege
7 does not apply to production of documents by an
8 entity, such as Société Générale.

9 THE WITNESS: Yes.

10 JUDGE BÜLLER: And also, I must point out
11 that under Swiss law, if you refuse to collaborate
12 with the Court, you can be punished with a fine or
13 be enforced to give an answer.

14 THE WITNESS: Yes.

15 JUDGE BÜLLER: Did you understand all
16 this?

17 THE WITNESS: So, I hope I understood
18 everything and -- within the framework of the
19 hearing to come.

20 JUDGE BÜLLER: Is there any other
21 question? Because you said that you think you
22 understand, so do you have a question?

23 THE WITNESS: I would like to ask from the
24 Court, with regard to my professional
25 confidentiality, an authorization from the Court to

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1 give an answer.

2 JUDGE BÜLLER: You mean with regard to the
3 bank confidentiality?

4 THE WITNESS: Yes. My professional
5 confidentiality, and the bank confidentiality. Yes.

6 JUDGE BÜLLER: Yes, we have already
7 considered these interests in our decision. With
8 regard to the questions in the request for legal
9 assistance, the interest in establishing the truth
10 takes precedence over banking and professional
11 secrecy. In the case of follow-up questions, the
12 Court will clarify this again for each question
13 individually.

14 THE WITNESS: Thank you.

15 EXAMINATION

16 BY JUDGE BÜLLER:

17 Q. So, what was your position between
18 the 1st January 2014 and 30 August 2015?

19 A. So, during this period I was the
20 relationship manager in the department Securities
21 Services. It is the department for securities at
22 Société Générale in Zürich.

23 Q. How do you relate to the -- if you
24 relate to this -- the other party at all, how do you
25 relate to the Claimant?

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1 A. No, I have no relationship with
2 the Claimant. Do you mean personal relationship?

3 Q. Yes.

4 A. No, I have no personal
5 relationship with the Claimant.

6 Q. Do you have a personal
7 relationship with any of the defendants?

8 A. No.

9 Q. Do you have any entries in your
10 criminal records?

11 A. No.

12 Q. Well, we pass to the questions of
13 the request for legal assistance. And it is really
14 important that you answer these questions in the
15 sense of the definitions as they are written down in
16 the request for legal assistance.

17 A. It is good. Yes. Fine.

18 Q. I suppose you are aware of the
19 definitions?

20 A. Yes. The most important
21 definition for us was the definition of Custodian.
22 And the result of -- and the list of the companies.
23 And our research has shown that only one company is
24 concerned within the mentioned period.

25 Q. So, actually my question was only

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1 if you are aware of the definitions, if you remember
2 those, or if you want me to read them out loud again
3 for you.

4 A. I read the definitions. And if
5 necessary, I will ask the Court to read them out
6 loud again for me.

7 Q. Again, I want to point out that in
8 all my questions, I only refer to the period between
9 January 1st, 2014 until August 30, 2015.

10 Good. So, we read out loud the questions
11 which are written down in the request for legal
12 assistance. The Judge is reading them out in
13 German, I am in English, and then I translate it
14 into French for the witness.

15 What is the nature of the relationship, if
16 any, between Société Générale and the Custodians?

17 A. So, in the mentioned period, the
18 relationship with one Custodian on the list
19 consisted in giving security services from the
20 department Securities Services.

21 Q. What services, if any, were
22 provided by Société Générale to Custodians in
23 connection with custodying any Danish securities for
24 the Custodians?

25 A. None.

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1 Q. We pass to four sub questions.

2 What services were provided to the
3 Custodians in opening accounts?

4 A. You mean the question before
5 regarding Danish securities?

6 Q. Yes. The question before, what
7 services were provided, if any, were provided by
8 Société Générale to Custodians in connection with
9 the custodying any Danish securities for the
10 custodians.

11 And the first sub question is, what
12 services were provided to Custodians in opening
13 accounts?

14 A. None. No services with regard to
15 the mentioned period in connection with the
16 custodying of Danish securities.

17 Q. Second sub question. What
18 services were provided to Custodians in the
19 maintenance of accounts?

20 A. With regard to the custodying of
21 Danish securities, no services were provided in the
22 mentioned period.

23 Q. Third sub question. What services
24 were provided to Custodians in the closing of
25 accounts?

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1 A. So, again, with regard to the
2 custodying of Danish securities, no services were
3 provided to the Custodian.

4 Q. Fourth sub questions. Were
5 special services provided to Custodians in
6 connection with custodying any Danish securities for
7 the Custodians?

8 A. There was no service provided to
9 the Custodians in relation with Danish securities.

10 Q. Next question. What is Société
11 Générale's knowledge of whether Custodians held any
12 Danish securities?

13 A. No, we don't know.

14 Q. So, we have another two sub
15 questions regarding this question. First sub
16 question. Does Société Générale know anything about
17 the manner in which Danish Securities were handled
18 by the custodians?

19 A. I have no knowledge of any
20 purchase of Danish securities by the Custodian.

21 Q. You said, I have no knowledge.
22 Are you talking about the personal knowledge, or are
23 you talking in the name of the Société Générale?
24 Maybe you can precise.

25 A. I speak in the name of Société

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1 Générale.

2 Q. Second sub question. Does Société
3 Générale know anything about the manner in which
4 Danish Securities were handled by the custodians?

5 A. No.

6 Q. Next question. What is Société
7 Générale's knowledge of whether the Custodians
8 received dividends from the ownership of Danish
9 securities?

10 A. We don't know anything.

11 Q. Here we also have two sub
12 questions. What details does Société Générale have
13 concerning the receipt of such dividends?

14 A. We had no dividends and we had no
15 information about dividends resulting from Danish
16 securities.

17 Q. Second sub question. What is
18 Société Générale's knowledge of who were the
19 ultimate beneficiaries of those dividends?

20 A. As I said, I have no information
21 concerning the Custodians, and there were no Danish
22 securities with us. And I have no knowledge about
23 dividends, and I have no knowledge -- no information
24 regarding beneficiaries. And my answer concerns --
25 I speak in the name of Société Générale, and not

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1 personally.

2 Q. Well, then we have questions E and
3 F, which I think have been emptied of their sense as
4 no documents have been produced. However, I will
5 ask them anyway. Can Société Générale authenticate
6 any documents provided pursuant to paragraph 11, if
7 necessary?

8 MR. HOEFMANN: I just would like to know
9 what do you mean with authenticate as Société
10 Générale is not a public notary.

11 JUDGE BÜLLER: Do you have an answer?

12 MR. ELMIGER: Actually, I would like to
13 ask if we can use a different wording. I mean, if I
14 can ask if Société Générale could edit documents
15 pursuant to paragraph 11, and then this question
16 would be void.

17 BY JUDGE BÜLLER:

18 Q. So, you mean that you just want to
19 ask if there are documents as per the disclosure
20 order, and you mean that we can then also skip
21 question F. Yes.

22 So, can you answer the question, if
23 Société Générale can just deliver documents as the
24 decision from the Court is requesting it?

25 A. So, you mean documents regarding

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1 Danish securities and Danish dividends resulting
2 from the securities?

3 Q. Yes. The question is, if you can
4 deliver documents as the disclosure order is saying
5 it?

6 A. So, I am not sure if I understood
7 the question. And I don't have the document to
8 which you refer in my mind.

9 So, we had no Danish securities, and
10 therefore, we have no documents regarding these
11 Danish securities. And we have not paid any
12 dividends, and hence, we have no documentation
13 regarding the payment of such dividends.

14 JUDGE BÜLLER: So, I think this question
15 is answered. And we pass now to the questions from
16 the Parties.

17 EXAMINATION

18 BY MR. OXFORD:

19 Q. Thank you, Your Honor. Good
20 afternoon, Ms. Salomone.

21 You mentioned that Société Générale
22 provided services to only one of the Custodians
23 mentioned in the letter of request, which was that
24 one Custodian?

25 A. It is Solo Capital Partner LLP.

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1 Q. Ms. Salomone --

2 JUDGE BÜLLER: Can I see it first? Do you
3 have a second. Thanks.

4 (Exhibit 5365 was marked for identification.)

5 BY MR. OXFORD:

6 Q. Ms. Salomone, I have handed you
7 what I have marked in our litigation as Exhibit
8 5365. Do you recognize this document?

9 A. Yes.

10 Q. Can you tell me what it is,
11 please?

12 A. This is a document edited from
13 WalderWyss. I imagine it was handled in the context
14 of this procedure. This is a document which was
15 edited within the framework of the proceedings on
16 the ground -- based on the information gathered
17 internally.

18 Q. Based on your work on behalf of
19 Société Générale in responding to SKAT's letter of
20 request, is the letter that I put in front of you,
21 Exhibit 5365, accurate?

22 A. Yes.

23 Q. Can you tell me, please, what
24 services, if any, Société Générale provided to Solo
25 Capital Partners?

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1 JUDGE BÜLLER: You only refer to the
2 period we have already mentioned several times,
3 January 1st, 2014 until August 30, 2015?

4 MR. OXFORD: Yes.

5 A. And the question was?

6 JUDGE BÜLLER: The question was --

7 A. What services --

8 BY MR. OXFORD:

9 Q. What services, if any, did Société
10 Générale provide to Solo Capital Partners?

11 A. As I already said before with
12 regard to Danish securities, there were no services
13 provided. As the document says, services with
14 regard to the hold of securities -- and I talk about
15 the titles mentioned on the paragraph number eight.

16 So, there were no services but we were
17 holding titles -- there were no services for Danish
18 securities, but we had in our deposit titles which
19 are listed on the paragraph number eight.

20 MR. OXFORD: Thank you. I have no further
21 questions at this time.

22 JUDGE BÜLLER: Good. So, we pass to
23 additional questions from the side of the defense.

24 MR. BAHNSEN: Hello. Bon jour, Madame.
25 Good afternoon everybody. This is Nicholas Bahnsen

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1 on behalf of John van Merkensteijn, and a number of
2 other Defendants. Is everybody able to hear me
3 okay?

4 MR. OXFORD: Yes.

5 MR. BAHNSEN: Thank you very much.

6 JUDGE BÜLLER: One second. We have to
7 translate everything.

8 Okay. You can go on.

9 EXAMINATION

10 BY MR. BAHNSEN:

11 Q. Thank you. I have a few questions
12 about Société Générale's responses today.

13 Can we start, did Société Générale include
14 securities when it responded to the question about
15 whether there were interests in Danish securities?
16 Excuse me. Let me start over.

17 Did Société Générale include equities in
18 its understanding of Danish securities in responding
19 to these requests?

20 MR. OXFORD: Objection to form. Objection
21 to form.

22 JUDGE BÜLLER: Do you want to me to
23 elaborate on this?

24 MR. OXFORD: No. My objection is simply
25 to the form of the question to preserve my objection

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1 for US purposes.

2 BY MR. BAHNSEN:

3 Q. Madame Salomone, if you understand
4 the question, you may answer it.

5 JUDGE BÜLLER: But please always refer to
6 the period we mentioned, and to our Custodians, and
7 to the securities we are talking about today.

8 A. Well, in your question referred to
9 the 28 equities where -- from which the name was
10 given to us --

11 BY MR. BAHNSEN:

12 Q. In considering those particular
13 companies, did Société Générale understand swaps to
14 be part of the securities it was asked to look into?

15 MR. OXFORD: Objection to form.

16 A. So, swap products do not belong to
17 the securities accepted for deposit at Société
18 Générale Securities Services in Zürich.

19 JUDGE BÜLLER: Do you have other
20 questions?

21 MR. BAHNSEN: Yes.

22 BY MR. BAHNSEN:

23 Q. Did you consider options with
24 respect to the listed companies?

25 MR. OXFORD: Objection to form.

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1 A. So, options do not belong to the
2 securities accepted by Société Générale Securities
3 Services in Zürich to be deposited with us.

4 BY MR. BAHNSEN:

5 Q. Did you consider contracts for
6 difference?

7 MR. OXFORD: Objection to form.

8 A. So, no contract for difference is
9 accepted by Société Générale Securities Services in
10 Zürich for deposit.

11 BY MR. BAHNSEN:

12 Q. Would you have any information
13 about whether another part of Société Générale
14 accepts those various products?

15 MR. OXFORD: Objection to form.

16 JUDGE BÜLLER: Unfortunately, we cannot
17 allow this questions because we only refer to the
18 facts and the definitions of the judicial assistance
19 request.

20 BY MR. BAHNSEN:

21 Q. I will move on. If you would
22 please, take a look at the document that Mr. Oxford
23 handed to you and was marked Exhibit 5365. I will
24 direct your attention to paragraph 10, sub part C.
25 Please let me know when you have reviewed it.

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1 JUDGE BÜLLER: Okay.

2 A. Yes.

3 BY MR. BAHNSEN:

4 Q. Did Société Générale attempt to
5 find any connection between the customer referenced
6 here and any Defendant identified in the definitions
7 to the request for assistance?

8 MR. OXFORD: Objection to form.

9 A. So, with regard to the period we
10 refer to, I mean 1st January 2014 until August 30,
11 2015, we have not identified any connection.

12 And if it would help, I can elaborate on
13 this. We have done research, as described in the
14 letter, in order to be sure that no payment was done
15 for Danish securities.

16 BY MR. BAHNSEN:

17 Q. I just want to make sure I
18 understand you. The written response is limited to
19 Custodians, and my question had to do with
20 Defendants. Do you understand that distinction?

21 MR. OXFORD: Objection to form.

22 JUDGE BÜLLER: I do not allow this
23 question as we here, we only refer to the connection
24 with the Custodians and not to the connection with
25 the Defendants.

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1 MR. BAHNSEN: Okay.

2 JUDGE BÜLLER: Are there further
3 questions?

4 MR. BAHNSEN: Yes. Sorry, I was just
5 letting the translations complete.

6 BY MR. BAHNSEN:

7 Q. So, you are aware that there is a
8 list of Defendants attached to the request for
9 assistance, correct?

10 MR. OXFORD: Objection to form.

11 JUDGE BÜLLER: Is this actually a question
12 to the Court or to the Witness?

13 MR. BAHNSEN: This is to the Witness.

14 JUDGE BÜLLER: So, do you know this list
15 with the Defendants?

16 A. Well, I don't know this list by
17 heart. I just refer to what I know when I responded
18 to the Court. Could I have a more precise question?

19 BY MR. BAHNSEN:

20 Q. Was Société Générale asked to
21 investigate whether any pension plan Defendant held
22 accounts at Société Générale?

23 MR. OXFORD: Objection to form.

24 MS. ARNESSON: I understood the question
25 as to whether Société Générale was also asked to

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1 research whether pension plan maybe you could --

2 JUDGE BÜLLER: Just for the translation,
3 could you please repeat your question.

4 BY MR. BAHNSEN:

5 Q. Of course. Was Société Générale
6 asked to investigate whether any pension plan
7 Defendant held accounts at Société Générale?

8 MR. OXFORD: Objection to form.

9 A. So, the Société Générale
10 Securities Services in Zürich had in the period we
11 are referring to very few clients for these security
12 services in the mentioned period.

13 We only had about 40 clients, and most of
14 them were in the group. And the others, if there
15 were any, would have been easy to find. So, we had
16 no client connected to this affair.

17 BY MR. BAHNSEN:

18 Q. You used -- I am sorry.

19 JUDGE BÜLLER: Do you have any other
20 questions?

21 BY MR. BAHNSEN:

22 Q. Just a clarification. On the last
23 answer, you said, With respect to this affair. I
24 want to understand, do you mean with respect to the
25 request for assistance?

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1 MR. OXFORD: Objection to form.

2 A. Yes, I speak in connection with
3 the topic that brings us together here today.

4 BY MR. BAHNSEN:

5 Q. Just a few more. I promise.

6 You stated that Société Générale only had
7 a relationship with Solo Capital Partners LLP, and
8 it identified no other Custodian, correct?

9 MR. OXFORD: Objection to form.

10 JUDGE BÜLLER: So, I just want to point
11 out that in this proceeding we only refer to Old
12 Park Lane Capital PLC, Solo Capital Partners LLP,
13 Telesto Markets LLP, and West Point Derivates Ltd,
14 and the affiliated companies.

15 A. Can you please repeat the
16 question?

17 BY MR. BAHNSEN:

18 Q. I am going to rephrase it
19 slightly. Apart from the four entities that the
20 Court just identified, did Société Générale
21 investigate any other entities as Custodians in the
22 context of this request?

23 MR. OXFORD: Objection to the form.

24 JUDGE BÜLLER: So, we do not allow this
25 question because we only refer today to these four

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1 entities. And Société Générale has no obligation
2 to -- with regard to other entities to answer the
3 question.

4 BY MR. BAHNSEN:

5 Q. So, with respect to the
6 relationship between Société Générale and Solo
7 Capital Partners LLP, was there any restriction on
8 Solo Capital Partners' ability to have accounts at
9 other institutions?

10 MR. OXFORD: Object to the form.

11 JUDGE BÜLLER: I do not allow this
12 question. I would like to point out to you that we
13 are here only with to the Danish securities as
14 defined in the Court order and in the request for
15 legal assistance. We have very hard restrictions
16 here in Switzerland, and we do not allow you to
17 investigate further on this case.

18 Otherwise, I would end this hearing now if
19 you do not stick to the order and the legal
20 request -- the request for judicial assistance.

21 Do you have further questions?

22 MR. BAHNSEN: No. With that understanding
23 of the Court's position on the limitations of
24 today's testimony, I have no further questions.
25 Thank you very much.

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1 JUDGE BÜLLER: Thank you so much. Do you
2 have a question of other Defendant representatives?

3 (Pause.)

4 JUDGE BÜLLER: No other Defendant
5 representatives want to ask questions?

6 (Pause.)

7 So, we continue.

8 MR. ELMIGER: Can you please translate?

9 MS. ARNESSON: I try. The question was
10 regarding a follow up question from Mr. Bahnsen,
11 where I understood that he referred to the
12 understanding in the submission dated the 4th of
13 July 2022. I am sorry, I don't recall the exhibit
14 number that you referred to.

15 In there, he asked a question that the
16 submission is just referring to Custodians and not
17 to the Defendant. And in the German translation of
18 the follow up question, it was translated that the
19 Witness made the limitation to the Custodian. And
20 it was not translated that it was in the submission
21 that this limitation was made.

22 MR. BAHNSEN: I am sorry. Is the question
23 for me then?

24 JUDGE BÜLLER: This was just for the
25 minutes and the persons present in this room.

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1 MR. BAHNSEN: I apologize for the
2 intrusion.

3 JUDGE BÜLLER: No problem.

4 MR. HOFMANN: So, I just would like to
5 point out that Société Générale would like to note
6 that they have cooperated fully, within the
7 guidelines of the Court, and have created
8 transparency in this matter. And I just -- I wanted
9 to out this. And I hope that you appreciate this
10 cooperation.

11 JUDGE BÜLLER: So, we are at the end of
12 this witness hearing. I just want to ask Madame
13 Salomone if she wants a refund for the journey?

14 THE WITNESS: No, I do not insist on a
15 refund. It was important to serve here as a
16 witness. Thank you very much.

17 MR. ELMIGER: I just would like to mention
18 that the transcript, which will be edited, will
19 circulate between the Parties, which can add
20 comments to it, and also the Witness will have the
21 possibility to receive this transcript.

22 (Court reporter clarification.)

23 INTERPRETER: He (indicating Mr. Elmiger)
24 said that the Witness can also make comments, and
25 the Judge said that the Court would also like to

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1 have a version.

2 JUDGE BÜLLER: Thank you. So, this
3 hearing is closed.

4 I thank the organizers for the excellent
5 organization. And thank you, Madame Salomone, for
6 coming here.

7 (Off the record.)

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1 CERTIFICATE OF COURT REPORTER

2 I, Christine Myerly, do hereby certify that
3 I took the stenotype notes of the foregoing
4 examination and that the transcript thereof is a
5 true and accurate record transcribed to the best of
6 my skill and ability.

7 I further certify that I am neither
8 counsel for, related to, nor employed by any of
9 the parties to the action in which this deposition
10 was taken, and that I am not a relative or
11 employee of any attorney or counsel employed by
12 the parties hereto, nor financially or otherwise
13 interested in the outcome of the action.

14 Dated this 19th day of January, 2023.

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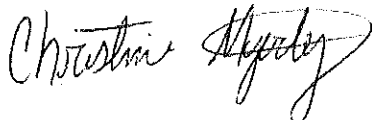
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Christine Myerly